

Appendix C

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

ROBERT J. MUELLER, et al.,

Defendants.

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Case No.: 5:21-cv-785-XR

PROPOSED JOINT VOIR DIRE

Plaintiff Securities and Exchange Commission (“Plaintiff” or “SEC”) and Defendant Robert J. Mueller (“Mueller”) submit the following case-specific *voir dire* questions that we request that the Court ask prospective jurors:

1. Do you know any of the parties in this lawsuit or their counsel?

2(a). Do you, or does anyone close to you, have any experience, education, training, or a job in any of the following areas?

- Securities/Investments;
- Life Insurance;
- Accounting;
- Starting or operating a business; and/or
- Law, Law Enforcement, Corrections, Court System.

2(b). If you answered yes to any of the areas in 2(a), please describe your experience.

3. Have you ever invested in a financial market (e.g., stocks, bonds, mutual funds, securities, etc.) or directly in a business (e.g., direct ownership of company stock, interest in a partnership, etc.)? If so, please describe your investments.

4. Do you consider yourself to be a “sophisticated” investor?

5. Have you ever had a negative experience with investing? If so, please describe your experience.

6. In your opinion, is the U.S. Securities and Exchange Commission (“SEC”) doing enough to protect investors?

7. Those of you who have sat on criminal cases or watched television have heard of the term “proof beyond a reasonable doubt.” That is the standard of proof that is used in criminal cases. However, that is not the standard of proof to be used in this matter because this is a civil case, not a criminal case. Rather, the SEC has the burden of proving its case against the defendant by what is called a “preponderance of the evidence.” This means that, to prevail, the SEC must show that its claims are more likely true than not true. *Here is the question:* Is there anyone who would require the SEC to prove its claims by a higher standard than preponderance of the evidence?

8. Have you, or has anyone close to you, ever had an unpleasant experience or been in a dispute with a government agency (local, state, or federal)? If so, please describe your experience.

9. Have you or anyone close to you been the subject of an enforcement action by the SEC or other government agency, IRS investigation, collection action, penalty, tax lien, or seizure of assets or property?

10. What are your feelings about the following statement: “All investments involve some degree of risk?” Please select the answer that applies best:

- Strongly agree?
- Agree somewhat?
- Disagree somewhat?
- Strongly disagree?
- Not Sure/Cannot say?

11. When deciding whether to invest in a particular company, stock, or other financial instrument, which of the following would you rely on the most:

- Company documents stating the specific terms of the investment offering?
- Advice from a third-party such as an investment/financial advisor?
- The reputation of the company in which you are investing?
- Your own independent research on the investment?
- Advertisements (newspaper, radio, website, mailings)?
- Gut instincts?

12. What are your feelings about the following statement: “People are always responsible for the consequences of their actions/decisions when investing their money.”

13. What are your feelings about the following statement: “There is too much government regulation these days.”

14. In this case, the Plaintiff is an agency of the United States government, the SEC. As U.S. citizens, some people tend to believe allegations made by the government as opposed to by individuals. Who does this describe? Please explain.

15. Has anyone here been the victim, or had a loved one or close friend that has been the victim, of a financial crime, such as fraud or theft? Please explain, and if you feel more comfortable explaining at the bench, please let us know.

16. People have strong feelings about investments and people that solicit investments. Some people believe that if they lose all their money in an investment, the person that solicited the investment should be held responsible. Who does this describe? Please explain.

17. Who believes that if a business fails, the business managers should be held responsible?

18. How many people have heard of a “Ponzi” scheme? Some people, because of their own history and experiences, have such strong feelings when hearing that word, that they could not be impartial in a case dealing with an alleged Ponzi scheme whereas they could be impartial in other types of cases, such as a car wreck or a medical malpractice case. Who feels they would have a duty not to serve as a juror in a case alleging a Ponzi scheme?

19. Is there anything we have not asked you about that you believe would prevent you from serving as a fair and impartial juror, and therefore disqualify you from service in this case? If so, please describe the reason or issue.